

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 8, 2000

DIVISION ONE

B130849 Chemi et al.
v.
CNA Insurance Companies et al.

Filed order denying petition for rehearing.

DIVISION TWO

B123130 People
v.
Fite

Filed order modifying opinion. (No change in the judgment)

B125307 People v. Colon (Not for Publication)

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

March 8, 2000-Continued

DIVISION TWO (Continued)

B129063 People (Not for Publication)
v.
Department of Real Estate

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

B134639 People (Not for Publication)
v.
Terrell F.

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Mallano, J. (Assigned)

B130992 People (Not for Publication)
v.
Scott

The six-year sentence for burglary in count 4, and the ten-year firearm-use enhancement on that count, are ordered stayed pending completion of the sentence of life without parole and the determinate term of twenty-five years eight months. In all other respects, the judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B137685 Becky H. (Not for Publication)

V.

Superior Court, Los Angeles County

(L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Boren, P.J.

We concur: Nott, J.

Cooper, J.

B134096 Cal City Construction, Inc. (Not for Publication)

V.

Superior Court, Los Angeles County

(Bacco, Inc., r.p.i.)

Let a writ issue directing the superior court to set aside its order granting Bacco's motion for a determination that its settlement with San Pedro was in good faith, and to set the matter for hearing after presenting parties with an opportunity to brief the issue of what effect, if any, Bacco's status as a joint venturer has on its settlement with San Pedro. The parties to bear their own costs of this petition.

Mallano, J. (Assigned)

We concur: Boren, P.J.

Nott, J.

DIVISION TWO (Continued)

B131205 Superior National
Insurance Company (Not for Publication)
v.
Superior Court, Los Angeles County
(Post Sound Corporation, r.p.i.)

Let a writ of mandate issue directing the trial court to set aside its order of March 25, 1999, denying Superior National's motion for reconsideration, and to issue a new and different order granting the motion for reconsideration, and to thereafter issue an order setting aside the order of November 23, 1998, granting Post Sound's motion to compel the production of the Wolonsky documents. The court is to then issue an order denying Post Sound's motion to compel the production of the Wolonsky documents, and directing Pose Sound to return to Superior National the documents previously produced pursuant to count order. The stay is vacated. Petitioner to recover the costs of this petition.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

B132951 Quackenbush (Not for Publication)
v.
Superior Court, Los Angeles County
(Andersen, r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its May 19, 1999 order granting AA's motion for summary adjudication of the professional negligence cause of action, and issue a new and different order granting the motion to the extent that the professional negligence cause of action seeks to assert the claims of an entity other than the audit client (Commissioner), and denying the motion to the extent the first cause of action seeks to assert the claims of the audit client (Cal-American Insurance Company) as authorized by section 1037.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

DIVISION FIVE

Court convened at 9:15 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B131861 People v. Dale R. Jones
B131294 People v. Burnett Nelson
B132020 People v. Marvin L.
B131093 People v. Charles Sly
B132828 People v. Mark Abasta
B137516 Robert G. v. S.C.L.A. (DCFS)

Argument waived, cause submitted.

B129051 Peter Caloyeras
 v.
 Truck Insurance Exchange

Merits:
Argued by James B. Kropff for appellants and by James C. Martin for
respondent. Cause submitted.

B126469 Rosa Bellomo
 v.
 Susan Morris et al.

Merits:
Argued by John T. Chadwell, Jr. for appellant and by Christopher J. Ruiz,
D.A.G. for respondents. Cause submitted.

B123759 Jerry Pitts
 v.
 Maritn S. Wiener et al

Merits:
Argued by Lawrence S. Strauss for appellants and by Hal W. Williams, Jr.
for respondent. Cause submitted.

DIVISION FIVE (Continued)

B126871 Raj Jammu

v.

Marriott International, Inc., et al.

Merits:

Argued by Martin E. Jacobs for respondents and by Daniel S. Alderman for respondents. Cause submitted.

B137389 Squire M. et al.

v.

Los Angeles Superior Court
Department of Children's Services

Merits:

Argued by Squire M., petitioner in pro per and Angela L., petitioner in pro per and no appearance real party in interest. Cause submitted.

Court recessed.

Court reconvened at 10:15 A.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

B136262 United Services Automobile Association

v.

Superior Court, Los Angeles County
(Brianna Ilice Asher, r.p.i.)

Merits:

Argued by Pamela E. Dunn for petitioner and by Bruce N. Graham for real party in interest. Cause submitted.

Court recessed.

March 8, 2000-Continued

DIVISION FIVE (Continued)

Court reconvened at 11:00 A.M.

Present: Grignon, J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B126546 People v. Michael Wood
B132555 People v. Alex A. Gonzalez
B129271 People v. Dwayne Dickson
B135261 People v. Joseph Hart

Argument waived, cause submitted.

B131052 Robert Gould, Inc., et al.
 v.
 Donna Nelson et al.

Appearances:
Brian P. Stewart for appellants and by no appearance by respondents.
Argument waived, cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Grignon, J., Armstrong, J., Godoy Perez, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B130470 People v. Toney Balvar

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B132808 John A. Christenson
 v.
 Pro Value Properties, Inc.

Merits:
Argued by Douglas F. Galanter for appellant and by Jonathan D. Fink for
respondent. Cause submitted.

B135089 Charles W. Troupe
 v.
 Los Angeles City Council et al.

Merits:
Argued by Charles W. Troupe, appellant in pro per and by Michael L.
Klekner and Don Fisher for respondents. Cause submitted.

B122899 Yiu Kei Kong et al.
 v.
 Goodring Investment, Inc.

Merits:
Argued by Charles T. Mathews for appellants and by Stephen T. Owens for
respondent. Cause submitted.

B128161 People
 v.
 Earvin Jones

Merits:
Argued by John L. Staley for respondent and by Alene M. Games for
respondent. Cause submitted.

Court adjourned.

DIVISION FIVE (Continued)

B130798 People
 v.
 Clinton Sampson

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 AM

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B125991 Pearl v. Workers' Compensation Appeals Board

Presentation continued to 1:30 P.M. in open court.

B137695 Beth J. v. San Luis Obispo Co. Superior Court (Dept. of Social Services)

Presentation waived, cause submitted.

B129907 Marriage
 of
 Braun

Merits:

Argued by Vanessa Kirker for appellant and by George L. Wittenburg for respondent. Cause submitted.

B128291 Jones
 v.
 Thrifty Oil Co.

Merits:

Argued by John J. McNamara for appellant and by Mark B. Gilmartin for respondents. Argument waived pursuant to rule 17(b), Calif. Rules of Court, by respondent Shell Oil. Cause submitted.

DIVISION SIX (Continued)

B131607 Collignon
v.
Hurley

Merits:

Argued by Jeffery H. Speich for appellants and by Philip I. Moncharsh for respondent. Cause submitted.

B129404 Mathiew
v.
Baza

Merits:

Argued by Daniel O'Neill for appellants and by Robert J. Gundert for respondents. Cause submitted.

B131167 Nicholson
v.
Dept. of Water Resources

Merits:

Argued by Karen J. Lee for appellant, by John F. Hodges for respondent Department of Water Resources and by Stan Lee Linker for respondent EBY Construction Company. Cause submitted.

Court recessed at 11:30 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B125978 Hobbs v. City of Azusa

Argument waived, cause submitted.

DIVISION SIX (Continued)

B137659 Rita Z. v. San Luis Obispo Co. Superior Court (Dept. of Social Services)

Presentation waived, cause submitted.

B125991 Pearl
v.
Worker's Compensation Appeals Board

Review:

Presented by Larry J. Roberts for petitioner and by Richard B. Maness for amicus curiae California Public Employees' Retirement System.

Presentation waived by respondent Workers' Compensation Appeals Board.

Submission deferred 15 days for counsel to serve and file supplemental briefing pertaining to the questions asked in open court.

B130647 San Luis Coastal Unified School District
v.
City of Morro Bay

Merits:

Argued by Arthur L. Littleworth for appellant and by David R. Hunt for respondent. Cause submitted.

B130605 Kolbe Foods, Inc.
v.
Mirzai

Merits:

Argued by Melbourne B. Weddle for appellant and by Bruce W. Hogan for respondent. Cause submitted.

Gilbert, P.J. left the bench.

DIVISION SIX (Continued)

B127399 Mirzai
v.
West Village Plaza Partners

Merits:
Argued by Melbourne B. Weddle for appellant and by C. Lawrence Powell for respondents. Cause submitted.

B125037 Wilson
v.
Wilson

Merits:
Argued by Lila Allen for appellant and argument waived by no appearance on behalf of respondent. Cause submitted.

Court adjourned at 3:15 P.M.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B131649 People (Not for Publication)
v.
Medina

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B127793 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B132277 People (Not for Publication)
v.
Lloyd

The finding of two five-year enhancements for the burglary convictions in case No. A628964 is vacated, and the court upon remand shall make a finding there was only one Penal Code section 667, subdivision (a) (1) enhancement for these two prior residential burglary convictions. The court shall then impose only one five-year term for these two prior serious felony convictions. The order of sentencing is also vacated. The cause is remanded for the court to resentence appellant in conformity with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B130487 People (Not for Publication)
v.
Decelles

The judgment is modified to impose an aggregate term of six years, consisting of a middle term of three years, enhanced by three years for the infliction of great bodily injury. The four-year term previously imposed for the firearm use enhancement is stricken. The term to be imposed for the firearm enhancement is two years and that term is to be stayed pursuant to Penal Code section 1170.1, until service of the prison term is completed. The judgment is also modified to reduce the restitution fine imposed pursuant to Penal Code section 1202.4 to \$100. As modified, the judgment is affirmed. The clerk of the superior court is to prepare an amended abstract of judgment stating the modified judgment and send it to the California Department of Corrections. The clerk should state therein the restitution fines imposed pursuant to Penal Code sections 1202.4 and 1202.45.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B131626 People (Certified for Publication)
v.
Callejas

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B115370 People (Certified for Partial Publication)
B115593 v.
Dozier

The judgment in case number BA143017 is modified to provide the sentence on count I is 25 years to life and the judgment is affirmed as modified. The order after judgment in case number A983129 is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B133647 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Ricky B.

The order under review is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B131556 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Tonette H.

The judgment (order terminating partial rights) is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B128529 Kalski (Not for Publication)

v.

Calif. Assoc. of Professional Employees et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B132110 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Larry G., Sr.

In re Larry G., a minor

The order is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

B125989 People (Not for Publication)

v.

Gomez

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

DIVISION SEVEN (Continued)

B127645 Hacker (Not for Publication)

V.

Rubanenko

Tambor, Objector and Appellant

The orders are affirmed, and no sanctions are awarded. Each party to bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

B132292 People (Not for Publication)

V.

Adam T.

The order under review is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

B132590 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Helen M.

In re: Daniel B., a minor

The appeal is dismissed.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

DIVISION SEVEN (Continued)

B134252 Los Angeles County, D.C.F.S.
 v.
 Andrea W.
 Andre T., a minor

Filed order dismissing appeal as abandoned.

B137167 Los Angeles County, D.C.F.S.
 v.
 Yolanda S.
 In re Cory D., a minor

B138453 Los Angeles County, D.C.F.S.
 v.
 Yolanda S.
 In re Cory D., a minor

Filed order consolidating above captioned appeals.